

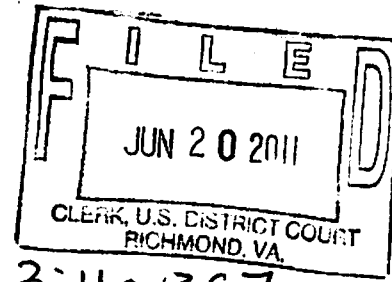
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

TOM M. NASSIEF,

Plaintiff,

v.

Civil Action No.



3:11cv397

NCO FINANCIAL SYSTEMS, INC.,

Serve: CT Corporation System
Registered Agent
NCO Financial Systems, Inc.
4701 Cox Road, Suite 301
Glen Allen, Virginia 23060

Defendant.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA") which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d), 28 U.S.C. §1337. Venue in this District is proper in that the defendant transacted business in this state and the plaintiff chooses to bring this action here.

III. PARTIES

3. Plaintiff, Tom Nassief, is a natural person residing in Falls Church, Virginia.

4. Defendant, NCO Financial Systems, Inc., is a corporation engaged in the business of collecting debts in this state with its principal place of business located in Horsham, Pennsylvania. One of the principal purposes of NCO Financial Systems, Inc. is the collection of debts using the mails and telephone and it regularly attempts to collect debts alleged to be due another.

5. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

6. Plaintiff has a Capital One Bank (USA), N.A. credit card, account number ending in 7262 with a balance of \$2,404.74 as of January 21, 2011. A copy of his January 2011 Capital One Bank (USA), N.A. statement is attached as **EXHIBIT A**. He is not behind on payments.

7. On or about September 1, 2010, Defendant made its initial communication with the Plaintiff by calling him at home and demanded payment on a debt originating with Capital One Bank (USA), N.A. Plaintiff has only the one Capital One account, account number ending in 7262, and the account on which the Defendant was demanding payment ends in 8953. Neither during this call, nor within five (5) days thereafter, did Defendant provide Plaintiff with the thirty-day validation notices required pursuant to FDCPA §1692(g)(a).

8. Since September 2009, Defendant has called Plaintiff weekly requesting payment on the alleged debt. Plaintiff has received more than four (4) collection calls from Defendant in one day.

9. In September, 2010, Defendant began calling Plaintiff's sister, Mrs. Gina M. Nassief, who lives in Vienna, Virginia, at 703-992-8185. A copy of Mrs. Gina Nassief's notes regarding the phone communication with Defendant is attached as **EXHIBIT B**. During the first call, Defendant asked Mrs. Gina Nassief if they could speak to "Mr. Nassief." Mrs. Gina Nassief stated that he did not live with her. Defendant stated to Mrs. Gina Nassief details of the alleged debt including the total amount allegedly owed and that Mr. Nassief had not made a payment in ten (10) months. Mrs. Gina Nassief told Defendant not to call her again and that she was not providing location information for Plaintiff. On or about October 25, 2010, Mrs. Nassief was staying at her and the Plaintiff's parents' home in Ashtabula, Ohio, when Defendant called their home (440-997-2041) and said they were looking for "Tom Nassief." Mrs. Nassief stated he had not lived there in thirty years and not to call her again. Defendant stated that they needed an immediate payment of a credit card and asked personal questions about Plaintiff's financial situation.

10. During the same time period as the calls in paragraph 9, plaintiff's mother, Donna Nassief, received a call on her cell phone from Defendant asking for Plaintiff. A copy of Donna Nassief's notes regarding the phone communication with Defendant is attached as **EXHIBIT C**. Donna Nassief stated that she would not provide location

information and the Defendant began to ask personal questions about Plaintiff's financial situation. Donna Nassief refused to provide the information and hung up on Defendant.

11. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA in multiple ways, including but not limited to:

a) Engaging in conduct of which the natural consequence is to harass, oppress, or abuse, and causing my client's telephone to ring with intent to annoy, abuse, or harass. §1692d(2)(5);

b) Failing to provide validation notices at the time of initial contact and/or in writing within five days thereafter. §1692g(a); and

c) Communicating with persons other than my client for purposes other than to locate my client and communicating specific information about the debt owed. §1692b(1 &3).

12. As a result of the acts alleged above, plaintiff suffered actual damages including embarrassment and emotional distress.

V. FIRST CLAIM FOR RELIEF

13. Plaintiff repeats, realleges, and incorporates by reference the preceding paragraphs

14. Defendant violated the FDCPA as noted above.

15. As a result of the above violations of the FDCPA, the defendant is liable to the plaintiff for plaintiff's actual damages statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the defendant for the following:

- A. Actual damages.
- B. Statutory damages pursuant to 15 U.S.C. §1692k.
- C. Costs and reasonable attorney fees pursuant to 15 U.S.C. §1692k.
- D. For such other and further relief as may be just and proper.

DEMAND FOR JURY TRIAL

Respectfully submitted,

TOM M. NASSIEF


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